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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/737,384

12/14/2000

Daniel C. Cauchy

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06/19/2006

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EXAMINER

TRAN, DZUNG D

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,384

Applicant(s)

CAUCHY ET AL.

Examiner

Dzung D. Tran

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-16, 18-20, 22-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-16, 18-20, 22-24 & 26-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-16, 18-20, 22-24 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Wing So U.S. Publication no. 2002/0109879.

Regarding claims 4, 10, 16 and 24, Wing So discloses in Figure 1, a method and system provide capacity efficient restoration within an optical fiber communication system comprising:

associating a first route with a first channel (e.g, a channel of a DWDM signal) of two or more channels in a first physical link (figure 1, link AB-1);

associating a second route with a second channel (e.g, a channel of a DWDM signal) of the two or more channels in a second physical link (figure 1, link AB-2);

selecting the second route as a diverse alternate route to re-establish a connection upon failure of the first route, by comparing the first physical link identifier that is associated with the first route with the second physical link that is associated with

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the second route and selecting the second route when the first physical link is different from the second physical link (page 9, paragraph 0209, page 10, paragraphs 0220-0222).

Regarding claim 20, Wing So discloses in figure 3, a controller (e.g., Ctrl or DSP) that inherently including a processor operable to receive instruction to execute the OXC (pages 35-36, paragraphs 0796, 0814-0825).

Regarding claim 1, Wing So discloses the communication system further comprising :

associating a first route with a first channel (e.g, a channel of a DWDM signal) of two or more channels in a first DWDM link (figure 1, link AB-1);and associating a second route with a second channel (e.g, a channel of a DWDM signal) of two or more channels in a first DWDM link (figure 1, link AB-1);

associating a third route with a third channel (e.g., a channel of a DWDM signal) of two or more channels in a second DWDM link (figure 1, link AB-2), the first route, the second route and the third route providing similar connection (e.g., from OXC A to OXC B), the first DWDM link (e.g, link AB-1) being different from the second DWDM link (e.g, link AB-2), the first physical link is associated with a first physical link identifier (e.g, link AB-1) and the second physical link is associated with a second physical link identifier (e.g, link AB-2);

selecting the third route as a diverse alternate route to re-establish a connection that used the first route, by comparing the first physical link identifier with the

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second physical link identifier (page 9, paragraph 0209, page 10, paragraphs 0220-0222).

Regarding claims 5, 11, Wing So clearly discloses in figures 1 and 3, the first route and the diverse alternate route provide connections to similar nodes.

Regarding claims 6, 7, 12 and 13, Wing So clearly discloses the first physical link identifier (e.g, link AB-1) and a second physical link identifier (e.g, link AB-2) are implemented with a routing protocol, wherein the routing protocol is a private network to network interface (PNNI) routing protocol (page 9, paragraph 0209, page 10, paragraphs 0220-0222, page 35, paragraph 793).

Regarding claims 8, 9, 14 and 15, Wing So further discloses a system having a horizontal link information group and a capacities information group (page 25, paragraph 0528).

Regarding claims 18, 19, 22, 23 and 27, Wing So discloses the second physical link identifier is implemented in a PNNI protocol (page 35, paragraph 793)

Regarding claim 26 further discloses means for comparing the first physical link with a second physical link (e.g., DSP; page 9, paragraph 0209, page 10, paragraphs 0220-0222).

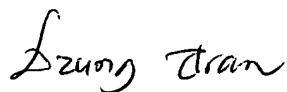
3. Applicant's arguments with respect to claims 1, 4-16, 18-20, 22-24 and 26-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dzung Tran
06/10/2006